

DOCKET FILE COPY ORIGINAL

ORIGINAL

LAW OFFICES OF
LEONARD S. JOYCE

5335 WISCONSIN AVENUE, N.W., SUITE 300
WASHINGTON, D.C. 20015

TELEPHONE
(202) 364-6970

FACSIMILE
(202) 686-8282

September 12, 1994

RECEIVED

SEP 12 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Attn: Acting Chief
Allocation Branch
Mass Media Bureau

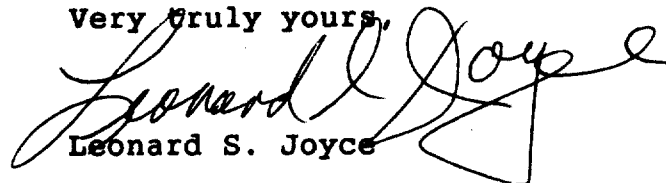
Re: MM Docket No. 94-82
RM-8487

Dear Mr. Caton:

Forwarded herewith are the original and four copies of the Comments and Alternate Counterproposals of Iowa Great Lakes Broadcast Company, Inc. in the above-referenced Rule Making Proceeding.

Should there be any questions concerning this matter, please communicate directly with the undersigned.

Very truly yours,


Leonard S. Joyce

Enclosure

No. of Copies rec'd
List A B C D E

0+4

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

Amendment of Section 73.202(b)	MM Docket No. 94-82
Table of Allotment)	
FM Broadcast Stations)	RM - 8487
(Spencer and Sac City, Iowa,)	
St. James, Minnesota)	

To: Chief, Allocations Branch
Mass Media Bureau

SEP 12 1994

Comments and Alternate Counterproposals
of Iowa Great Lakes
Broadcasting Company, Inc.

Iowa Great Lakes Broadcasting Company, Inc. ("Petitioner"),
by and through counsel, submits the following Comments and
Alternate Counterproposals, in response to the "Notice of
Proposed Rule Making and Order to Show Cause" ("Notice"),
released July 20, 1994, in the above-captioned proceeding.

1. The Federal Communications Commission ("FCC") in
response to Petitioner's Petition For Rule Making herein, filed
May 27, 1994, proposed, in its above-referenced Notice, to (1)
modify the license of Station KIGL(FM) Spencer, Iowa, licensed
to Petitioner, from Channel 285A to 285C2; (2) substitute
Channel 268A for Channel 285A at St. James, Minnesota and
modify the license of Station KXAX St. James, Minnesota
accordingly; and (3) delete the unoccupied and unapplied for
Channel 284A at Sac City, Iowa.

2. At the last sentence paragraph 3 of its
above-referenced Notice, the FCC stated that unless a party
files initial comments in this proceeding stating an intention

to apply for channel 284A at Sac City, the FCC will delete that allotment. On August 1, 1994 (12 days after the release of the FCC's Notice) Kevin Lein filed an application for Channel 284A at Sac City. That application appeared on Public Notice, dated August 17, 1994, as having been received, but to date has not been accepted for filing. Assuming, for any reason, that Kevin Lein's Sac City application is returned as not acceptable for filing or that the filing of that application does not constitute initial Comments in this proceeding, Petitioner supports, in toto, the FCC Notice, herein.

3. Assuming that Kevin Lein's application is accepted for filing, and, assuming that the filing of that application constituted an intention of interest, but not otherwise, Petitioner offers as its First Counterproposal, the substitution of Channel 240A for 284A at Sac City, 1A, and the issuance of an Order directing Kevin Lein to amend his Sac City, 1A application accordingly. Adoption of this First Counterproposal, therefore, would result in the following amendments to the FCC's Table of Allotments:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Sac City, 1A	284A	240A
Spencer, 1A	285A, 299C1	285C2, 299C1
St. James, MN	263C2, 285A	263C2, 268A

Attached hereto is a Technical Statement establishing that this substitution at Sac City would be in full compliance with FCC Rules. 1/

4. Assuming, for any reason, that the FCC declines to adopt Petitioner's First Counterproposal set forth at paragraph 3, supra, then, but not otherwise, Petitioner, requests that the FCC adopt the following Second Counterproposal of Petitioner:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Sac City, 1A	284A	284A
Spencer, 1A	284A, 299C1	285C3, 299C1
St. James, MN	263C2 285A	263C2, 268A

The attached Technical Statement establishes that this Second Counterproposal would be in full compliance with the FCC's Rules.

5. Assuming, for any reason, that the FCC declines to adopt Petitioner's First Counterproposal and Petitioner's Second Counterproposal, but not otherwise, Petitioner requests, as its Third Counterproposal, the following:

1/ Assignment of Channel 240A to Sac City, in lieu of 284A would not conflict with Station KILR-FM Esterville, 1A. which operates on Channel 240A, also. (See attached Technical Statement). The Construction Permit for Channel 240C2 at Esterville 1A (BPH-890110IC) was deleted and cancelled by the FCC on August 3, 1992 (Official Notice Requested). KLIR-FM's License Application for operation at 6kw is pending (BMLH-901029KA).

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Sac City, IA	284A	284A
Spencer, IA	285A, 299C1	285A, 299C1
St. James, MN	263C2 285A	263C2, 268A

The attached Technical Statement establishes that with the proposed substitution of Channel 268A for Channel 285A at St. James, MN, and without any other changes to the existing Table of Allotments, Stations KIGL and KXAX (presently short-spaced and limited to 3kw) both could reach maximum class A facilities (6kw/100 meters).

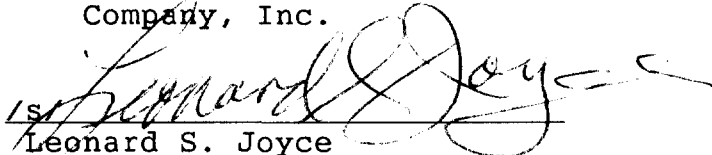
6. Petitioner re-affirms that it shall promptly apply for, construct and operate on Channel 285C2 (or, alternately, on Channel 285C3 or Channel 285A at 6 kw) if and when allocated. Petitioner also re-affirms that it shall reimburse the licensee of Station KXAX St. James, MN for the reasonable costs incurred in changing Channels from 285A to 268A.

Wherefore, the premises considered Petitioner requests that the FCC issue a Report and Order in this proceeding which, alternative, and, in the following order: (1) adopts the FCC's Notice, herein, in toto; (2) adopts Petitioner's First Counterproposal set forth at paragraph 3, supra; (3) adopts

Petitioner's Second Counterproposal set forth at paragraph 4, supra, or (4) adopts Petitioner's Third Counterproposal set forth at paragraph 5, supra.

Respectfully Submitted

Iowa Great Lakes Broadcasting
Company, Inc.



Leonard S. Joyce

Its Counsel

Law Offices of Leonard S. Joyce
5335 Wisconsin Ave.
Suite 300
Washington D.C.

September 12, 1994

TECHNICAL STATEMENT
IN SUPPORT OF COMMENTS OF
GREAT LAKES BROADCASTING COMPANY, INC.
KIGL(FM) SPENCER, IOWA
MM DOCKET NO. 94-82

This Technical Statement was prepared on behalf of Great Lakes Broadcasting Company, Inc. ("Great Lakes") in support of Comments in MM Docket No. 94-82. These comments set forth alternative proposals concerning the substitution of Channel 285C2 at Spencer, Iowa in light of the recent application filing for the Sac City, Iowa.

Channel 285C2 at Spencer

An application was filed with the FCC for the Channel-284A allotment at Sac City, IA on August 1, 1994 (See BPH-940801MA). The application was filed after the adoption and release of the Notice of Proposed Rule Making proposing the deletion of Channel 284A at Sac City. This may be construed by the FCC as an expression of interest in Channel 284A at Sac City; and, therefore, it may cause the Commission to reconsider deletion of Channel 284A. If so, Great Lakes proposes the following alternative.

Channel 240A may be substituted for Channel 284A at Sac City provided that the unused Channel-240C2 allotment at Estherville, IA is deleted. Figure 1 herein is a map demonstrating that Channel 240A will meet the separation requirements of Section 73.207 from a chosen reference point 3 km south of Sac City (Coordinates: 42°23'24"N/94°59'36"W). Figure 2 is a tabulation of the

allocation study for Channel 240A at Sac City.^{\1\} Channel 240C2 was allotted to Estherville effective October 13, 1988 for KILR-FM. KILR-FM is licensed for operation on Channel 240A at Estherville. It appears that the Channel 240C2 allotment was never occupied by KILR-FM and it remains vacant to this day. Therefore, Great Lake proposes the deletion of Channel 240C2 to permit the substitution of Channel 240A at Sac City. This will permit the substitution of Channel 285C2 at Spencer and Channel 268A at St. James, Minnesota.

Channel 285C3 at Spencer

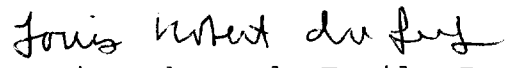
Should the above option not be available, Great Lakes proposes that Channel 285C3 be substituted for Channel 285A at Spencer. This would require the migration of KXAX as previously proposed, but would not require the deletion or substitution of Channel 284A at Sac City. Figure 3 is a map showing the allocation study for Channel 285C3 at Spencer; and Figure 4 is a tabulation of the allocation study. The coordinates of 43°17'45"N / 95°10'30"W should be employed for the Channel 285C3 allotment. The required 70 dBu coverage of Spencer is easily met from this site.

Channel 285A at Spencer

Should the above two proposals become unavailable, Great Lakes proposes the migration of KXAX to

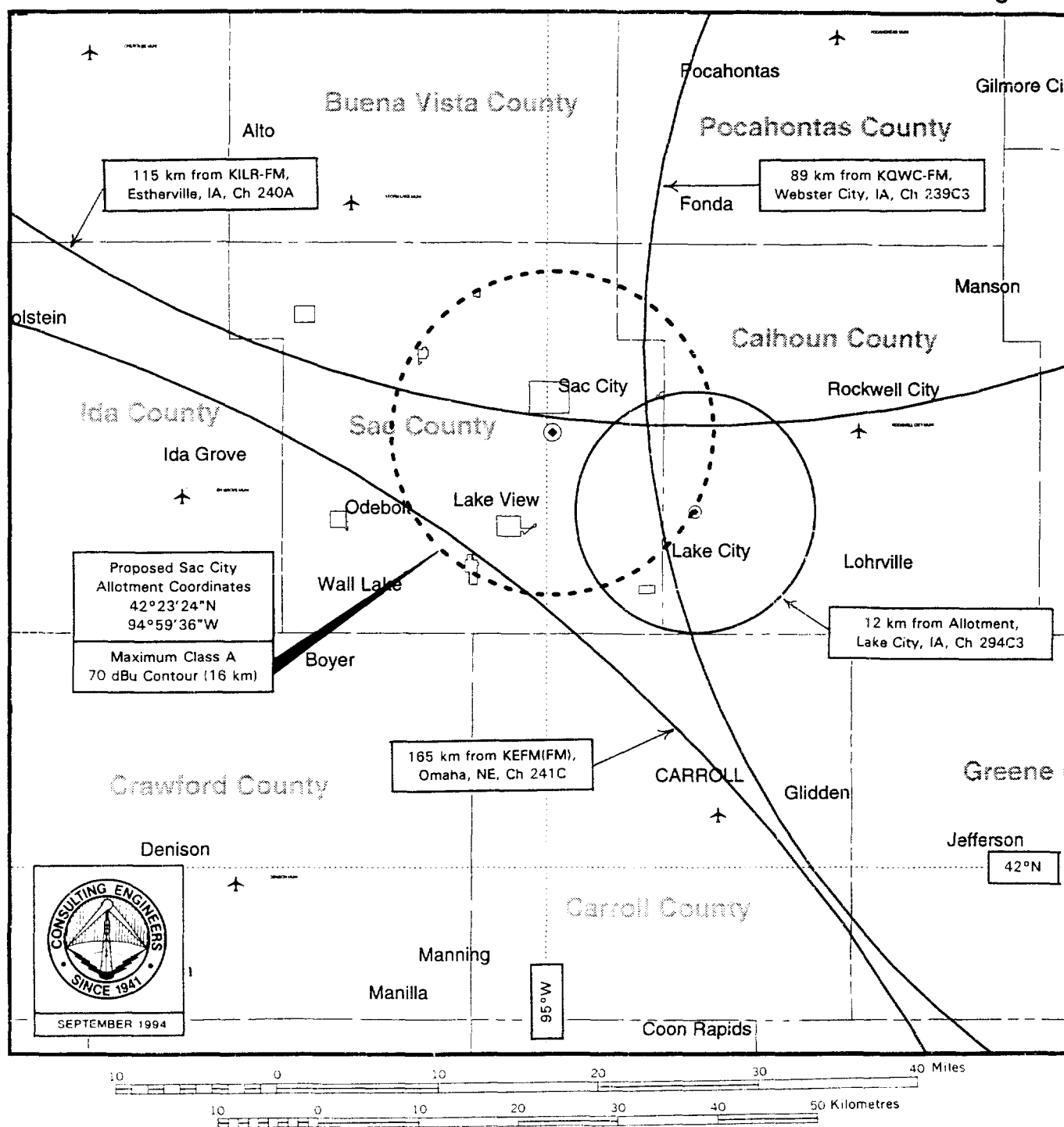
^{\1\}It is noted that the transmitter site of the Sac City application does not meet the separation requirements with respect to KILR-FM. See Figure 2.

Channel 268A as previously proposed. This would allow KIGL to reach maximum Class A facilities as would KXAX.


Louis Robert du Treil, Jr.

September 9, 1994

Figure 1



ALLOCATION STUDY FOR CHANNEL 240A AT SAC CITY

GREAT LAKES BROADCASTING COMPANY, INC.

KIGL(FM) SPENCER, IOWA

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 2

duTreil, Lundin & Rackley, Inc.
A Subsidiary of A.D. Ring, P.A.
Sarasota, FL

09/09/94

FM SEPARATION STUDY

Job Title : SAC CITY - CHANNEL 240A

Separation Buffer 32 km

FCC DB Date : 07/26/94

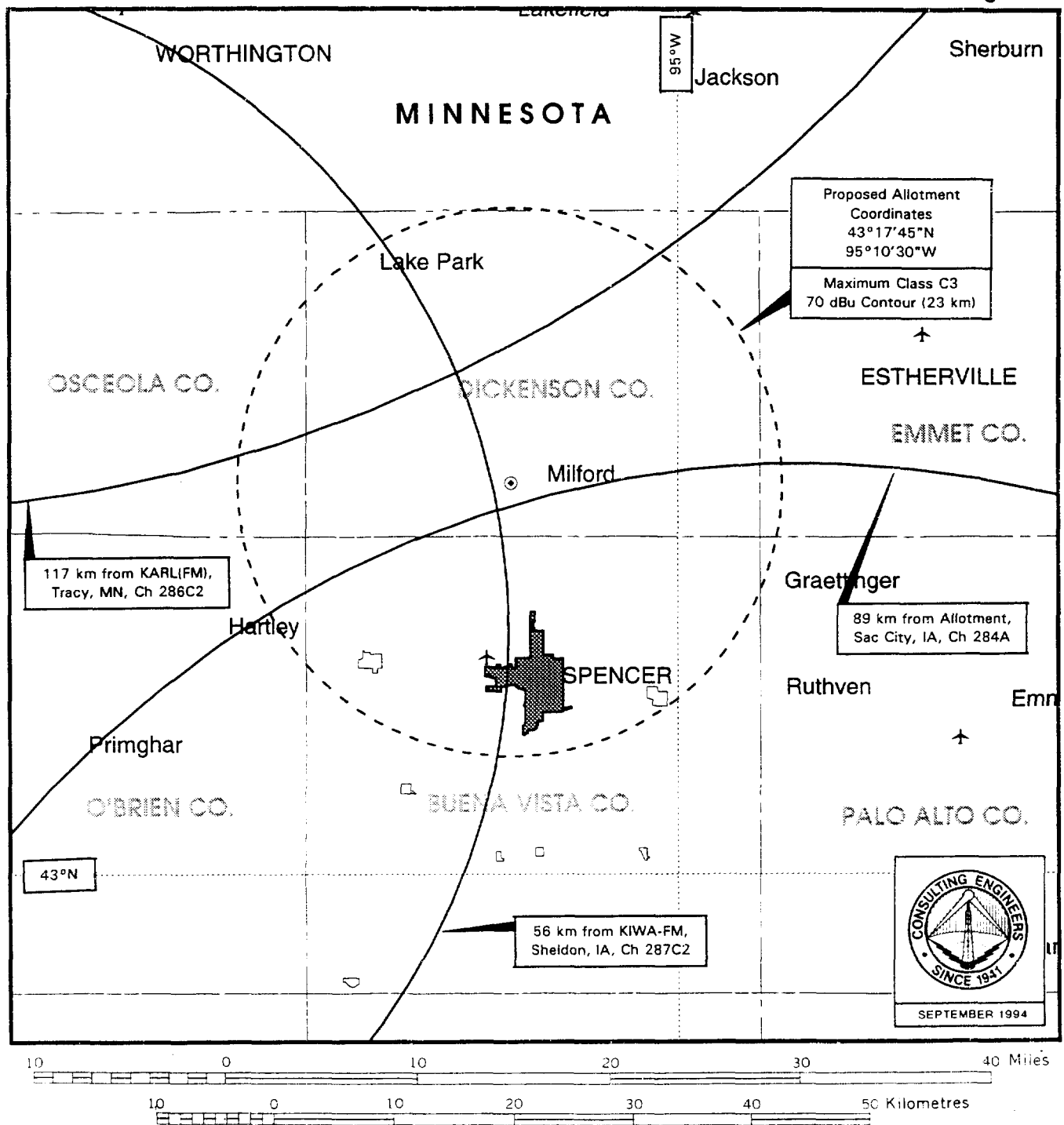
Channel 240A (95.9 MHz)

Coordinates : 42-23-24 94-59-36

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
NEW-T APP	Fort Dodge IA		237D 95.3	.205 98.0	42-29-08 94-11-09	80.6	67.30 .00	0 TRANS
TRANSLATOR FOR KHBT, HUMBOLDT, IA.								
KGLI LIC	Sioux City IA		238C1 95.5	100. 274.0	42-30-53 96-18-13	277.8	108.68 33.68	75 CLEAR
KQWCFM LIC	Webster City IA		239C3 95.7	25.0 100.0	42-28-04 93-47-48	84.6	98.87 9.87	89 CLOSE
From channel 240A Per D88-369								
KILRFM LIC	Estherville IA		240A 95.9	2.80 91.0	43-25-49 94-49-30	6.7	116.39 1.39	115 CLOSE
*TO CHANNEL 240C2 PER D88-45								
KILRFM APP	Estherville IA		240A 95.9	6.0 91.0	43-25-49 94-49-30	6.7	116.39 1.39	115 CLOSE
*TO CHANNEL 240C2 PER D88-45								
PADD	Madrid IA		241A 96.1	.0	41-59-47 93-48-52	113.9	106.75 34.75	72 CLEAR
PRM-Site Restriction 13.5 km North								
KEFM LIC	Omaha NE		241C 96.1	100. 439.0	41-04-15 96-13-30	215.3	178.81 13.81	165 CLOSE
NEW CP	Audubon IA		243C1 96.5	100. 161.0	41-26-07 94-50-00	172.8	106.88 31.88	75 CLEAR
ALC	Lake City IA		294C3 106.7	.0	42-19-08 94-49-08	118.8	16.41 4.41	12 CLOSE
Site Restricted-Effective 8-2-93								
NEW APP	Lake City IA		294C3 106.7	25. 100.0	42-07-14 94-48-49	153.7	33.41 21.41	12 CLEAR

** End of separation study for channel 240A **

Figure 3



ALLOCATION STUDY FOR CHANNEL 285C3

GREAT LAKES BROADCASTING COMPANY, INC.

KIGL(FM) SPENCER, IOWA

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 4

duTreil, Lundin & Rackley, Inc.
A Subsidiary of A.D. Ring, P.A.
Sarasota, FL

09/09/94

FM SEPARATION STUDY

Job Title : PROPOSED SPENCER - CHANNEL 285C3 Separation Buffer 32 km
FCC DB Date : 07/26/94
Channel 285C3 (104.9 MHz) Coordinates : 43-17-45 95-10-30

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KDOMFM LIC	Windom MN	BLH920130KB	232A 94.3	5.7 102.0	43-53-06 95-10-56	359.5	65.47 53.47	12 CLEAR
KJLY LIC	Blue Earth MN	BLH901015KE	283C2 104.5	50.0 138.0	43-39-41 94-06-29	64.4	95.41 39.41	56 CLEAR
ALC	Sac City IA	Docket92-155	284A 104.7	.0	42-30-37 94-52-14	164.0	90.75 1.75	89 CLOSE
Site Restricted-Effective 8-2-93-First Come First Serve								
NEW APP	Sac City IA	BPH940801MA	284A 104.7	6.0 100.0	42-24-47 94-57-09	163.4	99.74 10.74	89 CLEAR
KKLSFM LIC	Sioux Falls SD	BLH880601KB	284C1 104.7	100. 215.0	43-43-46 97-05-10	288.0	161.88 17.88	144 CLEAR
KIGL LIC	Spencer IA	BLH781218AJ	285A 104.9	3.00 91.0	43-09-24 95-04-53	153.9	17.24	
KXAX LIC	St. James MN	BLH830909AB	285A 104.9	3.00 85.0	44-03-15 94-39-40	25.9	93.91 -48.09	142 SHORT
(Proposed to migrate KXAX to Channel 268A)								
KLMJ LIC	Hampton IA	BMLH930726KB	285A 104.9	6. 91.0	42-49-45 93-11-10	107.1	170.12 28.12	142 CLEAR
KARL LIC	Tracy MN	BLH900627KC	286A 105.1	3.00 100.0	44-13-58 95-39-45	339.6	111.27 22.27	89 CLEAR
*To Channel 286C2								
KARL CPM	Tracy MN	BMPH930714IB	286C2 105.1	25. 159.0	44-19-32 95-52-19	334.2	127.42 10.42	117 CLOSE
KIWAFFM LIC	Sheldon IA	BLH921123KD	287C2 105.3	50. 89.0	43-11-00 95-52-05	257.7	57.67 1.67	56 CLOSE

** End of separation study for channel 285C3 **

Figure 5

duTreil, Lundin & Rackley, Inc.
A Subsidiary of A.D. Ring, P.A.
Sarasota, FL

09/09/94

FM SEPARATION STUDY

Job Title : PROPOSED SPENCER - CHANNEL 285A Separation Buffer 32 km

FCC DB Date : 07/26/94

Channel 285A (104.9 MHz)

Coordinates : 43-09-24 95-04-53

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KJLY	Blue Earth		283C2	50.0	43-39-41	54.1	96.76	55
LIC	MN	BLH901015KE	104.5	138.0	94-06-29		41.76	CLEAR
PDEL	Sac City		284A		42-30-37	166.5	73.86	72
	IA	RM8487	104.7	.0	94-52-14		1.86	CLOSE
ALC	Sac City		284A		42-30-37	166.5	73.86	72
	IA	Docket92-155	104.7	.0	94-52-14		1.86	CLOSE
Site Restricted-Effective 8-2-93-First Come First Serve								
KIGL	Spencer		285A	3.00	43-09-24	.0	.00	115
LIC	IA	BLH781218AJ	104.9	91.0	95-04-53		-115.00	SHORT
KXAX	St. James		285A	3.00	44-03-15	18.6	105.34	115
LIC	MN	BLH830909AB	104.9	85.0	94-39-40		-9.66	SHORT
(Proposed to migrate KXAX to Channel 268A)								
KARL	Tracy		286A	3.00	44-13-58	338.9	128.42	72
LIC	MN	BLH900627KC	105.1	100.0	95-39-45		56.42	CLEAR
*To Channel 286C2								
KIWA FM	Sheldon		287C2	50.	43-11-00	272.9	64.05	55
LIC	IA	BLH921123KD	105.3	89.0	95-52-05		9.05	CLOSE

** End of separation study for channel 285A **

CERTIFICATE OF SERVICE

I, Snowdeen Dove, a secretary in the Law Offices of Leonard S. Joyce, do hereby certify that the foregoing Comments and Alternate Counterproposal of Iowa Great Lakes Broadcasting Company, Inc. was served this 12th day of September, 1994, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

John A. Karousos
Acting Chief, Allocation Branch
Mass Media Bureau
2025 M Street N.W.
Washington, D.C 20054

Richard Rogers, President
Rogers Broadcasting Inc.
P.O. Box 465
St. James, MN 56081

Fisher, Wayland, Cooper & Leader
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006
Counsel for Kevin Lein


Snowdeen Dove